

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PENTAIR WATER TREATMENT (OH)
COMPANY (FORMERLY KNOWN AS
ESSEF CORPORATION)

and

PENTAIR WATER POOL & SPA, INC.
(FORMERLY KNOWN AS PAC-FAB,
INC.)

and

PENTAIR WATER BELGIUM BVBA
(FORMERLY KNOWN AS STRUCTURAL
EUROPE N.V. FORMERLY KNOWN AS
SFC)

Plaintiffs,

Case No. 1:08-cv-03604 (BSJ)

- against -

THE CONTINENTAL INSURANCE
COMPANY (AS SUCCESSOR BY
MERGER TO FIDELITY & CASUALTY
INSURANCE COMPANY OF NEW YORK)

and

CNA INSURANCE COMPANIES

Defendants.

**PLAINTIFFS' NOTICE OF CROSS-MOTION TO
STRIKE DEFENDANTS' AFFIDAVITS**

PLEASE TAKE NOTICE that upon the accompanying memorandum of law, Plaintiffs Pentair Water Treatment (OH) Company (f/k/a Essef Corporation) ("Essef"), Pentair Water Pool & Spa, Inc. (f/k/a Pac-Fab, Inc.) ("Pac-Fab") and Pentair Water Belgium BVBA (f/k/a Structural Europe N.V. f/k/a SFC) ("SFC") (collectively "Plaintiffs") will move this Court before the Honorable Barbara S. Jones, United States District Judge, on a date and time to be determined by this Court, at the United States

Courthouse, 500 Pearl Street, New York, New York, for an order, pursuant to Fed. R. Civ. P. 12(d), to strike the Defendants' affidavits and exhibits attached thereto, submitted with their Motion to Dismiss the First Amended Complaint filed July 8, 2008.

Dated: New York, New York
July 25, 2008

By: /s/ Robert M. Horkovich

ANDERSON KILL & OLICK, P.C.
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PENTAIR WATER TREATMENT (OH)
COMPANY (FORMERLY KNOWN AS ESSEF
CORPORATION), PENTAIR WATER POOL &
SPA, INC. (F/K/A PAC-FAB, INC.) AND
PENTAIR WATER BELGIUM BVBA (F/K/A
STRUCTURAL EUROPE N.V. F/K/A SFC)**

TO:

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